

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-7, 9, 11-17, 19, 21-27 and 29 are pending in this application. Claims 1, 11, and 21 are independent. Claims 1, 2, 11, 12, 21-27, and 29, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claims 21-27 and 29, which were rejected under 35 U.S.C. §101 as allegedly directed to a recording medium storing nonfunctional descriptive material, are amended herein, obviating the rejection.

Applicants submit that claims 21-27 and 29 are not merely directed to a recording medium storing nonfunctional descriptive material as demonstrated by the feature of claim 21, "outputting selectively said second data read from said data recording medium until the

completion of said preparations for outputting said first data is detected, wherein said outputting step further comprises: outputting selectively said first data once the completion of said preparations for outputting said first data is detected...”.

### III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-7, 9, 11-17, and 19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. US 2002/0057894 A1 to Ishige (hereinafter, “Ishige”).

Claim 1 recites, *inter alia*:

“...a detector for detecting completion of preparations for outputting first data read from a data recording medium which stores said first data and second data corresponding to said first data and having a data amount smaller than that of said first data; and

a selector for selectively outputting said second data read from said data recording medium until the completion of said preparations for outputting said first data is detected, said selector further outputting selectively said first data once the completion of said preparations for outputting said first data is detected,

wherein a ready flag denotes a status of the preparations.”  
(Emphasis added)

Applicant submits that Ishige relates to a video recording apparatus for recording materials obtained by taking an image at the scene of gathering materials in a recording medium capable of random access.

Applicant submits that nothing has been found in Ishige that would teach or suggest the above-identified features of claim 1.

Specifically, Applicant submits that Ishige fails to teach or suggest a detector for detecting completion of preparations for outputting first data read from a data recording medium which stores said first data and second data corresponding to said first data and having a data amount smaller than that of said first data; and a selector for selectively outputting said second data read from said data recording medium until the completion of said preparations for outputting said first data is detected, said selector further outputting selectively said first data once the completion of said preparations for outputting said first data is detected, wherein a ready flag denotes a status of the preparations, as recited in claim 1.

Therefore, Applicant submits that claim 1 is patentable.

For similar reasons as those described above, claims 11 and 21 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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